Per G.S. Singhvi, CJ

Having failed to persuade the learned Single Judge to entertain his prayer for issuance of writ of mandamus directing the respondents to allow him to purchase graded and non-graded Red Sanders Wood on cash and carry basis, the appellant has filed this appeal.

The appellant claims to have represented to Chief Conservator of Forests, Andhra Pradesh sometime in June 2004 for grant of permission to lift Red Sanders Wood on cash and carry basis. After six months, he filed writ petition and prayed for issuance of a direction to the respondents to issue Government Order similar to G.O.Rt.No.268, EFS & T (FM-III) Department dated 4-9-2004 for lifting graded and non-graded Red Sanders Wood on cash and carry basis. He pleaded that during the pendency of the writ petition filed by him, the authority concerned had granted permission to
Sri K.V. Ramakrishna Rao of Visakhapatnam for lifting 100 Metric Tonnes (MTs) of graded and non-graded Red Sanders Wood @ Rs.25,000/- per MT on cash and carry basis, but similar permission had not been given to him and, in this manner, he has been discriminated.

The learned Single Judge noted that the State Government had appointed Andhra Pradesh Forest Development Corporation (for short 'the Corporation') as its agent for disposal of confiscated stock of Red Sanders Wood through global tenders and later on permission was granted to the Corporation to dispose of Red Sanders Wood by inviting tenders and held that the petitioner cannot seek a direction compelling the respondents to allow him to lift the Red Sanders Wood without inviting tenders.

Learned counsel for the appellant argued that even though Sri K.V. Ramakrishna Rao was not impleaded as a party to the writ petition, the learned Single Judge should have entertained his client's plea of discrimination and granted relief by invoking Article 14 of the Constitution. He invited our attention to communication dated 17-08-2004 vide which Principal Chief Conservator of Forests, Andhra Pradesh had made it clear that the department was in favour of disposing of Red Sanders Wood by calling tenders and argued that once the

respondents have deviated from the policy of inviting tenders for disposal of Red Sanders Wood, similar treatment should have been meted out to the appellant.

In our opinion, there is no merit in the submission of the learned counsel. It is well settled that even in the matter of award of contracts, grants, permits, licences and quota,
the State action must be fair, reasonable and in public interest. It is also settled law that in the normal course public property can be disposed of only by way of auction or by inviting bids from eligible members of public. This is also the heart and soul of the policy contained in G.O. Rt. No.113 dated 25-09-004 which envisages disposal of Red Sanders Wood by calling tenders. Therefore, the appellant's claim for being allowed to lift graded and non-graded Red Sanders Wood without inviting tenders and giving opportunity to others cannot be entertained. In our opinion, any direction given by the Court which may entitle the appellant to lift graded and non-graded Red Sanders Wood would result in violation of Doctrine of Equality enshrined in Article 14 of the Constitution of India. Therefore, keeping in view the ratio of the decisions of the Supreme Court in **Chandigarh Administration v. Jagjit Singh, Secretary, Jaipur Development Authority, Jaipur v. Daulat Mal Jain Faridabad CT. Scan Centre v. D.G. Health Services Gursharan Singh v. New Delhi Municipal Committee** and **Style (Dress Land) v. Union Territory, Chandigarh** that power of the High Court under Article 226 of the Constitution of India cannot be used for commanding a public authority to commit an illegality or pass an illegal order simply because in another case such an illegality had been committed or a wrong order had been passed, we refuse to entertain the appellant's prayer.

In the result, the appeal is dismissed.

G.S. SINGHVI, C.J.

Date:23-01-2006

G. BHAVANI PRASAD, J

PV / svs

HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE G. BHAVANI PRASAD

WRIT APPEAL No.1727 OF 2005

Between:

Manubolu Madhusudhana Rao S/o. M. Chengama
Naidu, D.No.20-2-478/A2, Maruthi Nagar,
Korlagunta, Tirupati – 517 501.

.. Appellant

AND

The Principal Secretary
Department of Environment Forest Science
& Technology,
Secretariat, Government of A.P., Hyderabad
& another

.. Respondents

::JUDGMENT::

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Counsel for the Appellant : Sri B. Rajendra

Counsel for the Respondents : G.P. for Forests

23rd January, 2006